

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

CHRISTOPHER MCCROBIE,

Plaintiff,

-against-

PALISADES ACQUISITION XVI, LLC  
AND HOUSLANGER & ASSOCIATES, PLLC  
AND TODD HOUSLANGER

Defendants.

**AFFIRMATION OF  
SCOTT E. WORTMAN, ESQ.**

Case No. 15-cv-00018-LJV-MJR

Scott E. Wortman, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted before this Court and a Partner at Blank Rome LLP.
2. I am one of the attorneys representing Defendant Palisades Acquisition, XVI, LLC (hereinafter “Palisades” or “Defendant”) and am fully familiar with this matter.
3. I make this affirmation in opposition to Plaintiff’s second motion for leave to file a second amended complaint (hereinafter, Plaintiff’s “Motion”). Dkt. No. 82.
4. A statement of facts supporting Defendant’s opposition is contained in Defendant’s accompanying Memorandum of Law in opposition to Plaintiff’s Motion, under the heading “Abridged Statement of Facts and Procedural History.”
5. As fully expressed in Defendant’s Memorandum of Law, Palisades respectfully requests that the Court deny Plaintiff’s Motion with prejudice for the following reasons:
  - a. Plaintiff’s Motion fails to comply with mandatory federal and local civil rules, including, but not limited to, Local Rule 15.
  - b. Plaintiff’s amended pleadings are incomplete and insufficient to supersede Plaintiff’s first amended complaint.
  - c. Plaintiff has repeatedly failed to cure deficiencies.

d. Plaintiff's "shotgun pleading" strategy makes it impossible to ascertain which allegations of fact are intended to support which claim(s) for relief against which respective defendant.

e. Plaintiff's proposed second amended complaint is futile because Plaintiff does not include any specific allegations against Asta Funding and Plaintiff has not satisfied the applicable joinder requirements.

6. Annexed hereto as Exhibit A is a true and complete copy of the Order of Justice James F. Bargnesi, J.C.C (Appellate Term, Erie County), signed on September 5, 2018, dismissing Christopher McCrobie's appeal.

WHEREFORE, Defendant prays that Plaintiff's 2nd motion for leave to file a second amended complaint be denied with prejudice, and that the Court award any such other and further relief, at law or in equity, that the Court deems necessary and proper.

Dated: New York, NY  
April 25, 2019

Respectfully submitted,

/S/ Scott E. Wortman  
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**ATTORNEYS FOR DEFENDANT  
PALISADES ACQUISITION XVI, LLC**